

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MARIA ELENA RODRIGUEZ
RAMIREZ,
Plaintiff,**

v.

**CONTRACT FREIGHTERS, INC. and
CARMELO CRUZ GARCIA,
Defendants.**

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CIVIL ACTION NO.

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, CON-WAY TRUCKLOAD, INC., Defendant in the above-entitled and numbered civil action (hereinafter referred to as “Defendant”), and would respectfully show the Court as follows:

1. Defendant is a party in the above-entitled action now pending in the County Court at Law No. 5 of Dallas County, Texas, Cause No. CC-20-05264-E.

2. Maria Elena Rodriguez Ramirez (hereinafter “Plaintiff”) filed her Original Petition on December 4, 2020. Defendant Con-Way Truckload, Inc. was served with process in this matter on or about December 9, 2020. Defendant Carmelo Cruz Garcia has not been served at this time. This Notice of Removal is filed within thirty (30) days of Defendant’s receipt of the Petition and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

3. Removal of this action is proper under 28 U.S.C. §§ 1332(a) and 1441(a) because complete diversity of citizenship exists as among the named and served parties and because the amount in controversy exceeds \$75,000.00.

4. In Plaintiff’s Original Petition, Plaintiff Maria Elena Rodriguez Ramirez, who is a citizen and resident of the State of Texas, alleges that on or about July 11, 2019, she was

involved in a motor vehicle collision by a truck owned by Defendant Con-Way Truckload, Inc., a corporation with its principal place of business in the State of Missouri, and driven by Carmelo Cruz Garcia, a resident of Missouri. On December 4, 2020, Plaintiff filed suit against the Defendants bringing state law tort claims for negligence and various liability, alleging damages in excess of \$1,000,000.00.

5. At the time Plaintiff filed her state court action, Defendant Con-Way Truckload, Inc. had its principal place of business in the State of Missouri. Likewise, at the time of the filing of this Notice of Removal, Con-Way Truckload, Inc. continues to maintain its principal place of business in the State of Missouri.

6. At the time Plaintiff filed her state court action, Defendant Carmelo Cruz Garcia resided in the State of Missouri. Likewise, at the time of the filing of this Notice of Removal, it is Defendant's understanding that Carmelo Cruz Garcia continues to reside in the State of Missouri.

7. The District Courts of the United States have diversity jurisdiction when there is complete diversity among the joined and served parties and when the amount of controversy exceeds \$75,000. 28 U.S.C. § 1332. Because there is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, this case may properly be removed to this Court pursuant to 28 U.S.C. § 1441(a).

8. All defendants who have been properly joined and served join in or consent to the removal of this case to federal court.

9. Consent of Defendant Carmelo Cruz Garcia is not necessary because Defendant Carmelo Cruz Garcia has not been served.

10. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders filed in the state court are attached hereto as Exhibit “A.”

11. This matter involves an amount in controversy exceeding \$75,000.

12. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of filing of this Notice of Removal to Plaintiff, and is filing a copy of this Notice of Removal with the Clerk of the County Court at Law No. 5 of Dallas, Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant Con-Way Truckload, Inc. prays that the above-mentioned civil action now pending against Defendants in the County Court at Law No. 5 of Dallas County, Texas be removed to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

/s/ D. Randall Montgomery

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**ATTORNEYS FOR DEFENDANT
CON-WAY TRUCKLOAD, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Federal Rules of Civil Procedure on this the 23rd day of December, 2020.

VIA E-FILE

Luis F. Baez
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/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY